The Constitution of the Kingdom of Nepal, 2015

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PREAMBLE

Whereas His late Majesty King Tribhuvan Bir Bikram Shah Dev, Father of the Nation and revered descendant of the illustrious King Prithvi Narayan Shah, adherent of Aryan Culture and Hindu religion, having led a Great revolution for the rights and welfare of His subject, earned immortal fame in the history of the world and was firmly resolved to establish real democracy in Nepal by giving fundamental rights to the people;

And Whereas We also being firmly resolved to help our subjects to attain all-round progress and achieve the fullest development of their personality; to ensure to them political, social and economic justice; and cement the unity of the nation by bringing about political stability through the establishment of an efficient monarchical form of government responsive to the wishes of the people;

And Whereas for the said purpose it is desirable to enact and promulgate a Constitution for the Sovereign Kingdom of Nepal, I, King Mahendra Bir Bikram Shah Dev in the exercise of the Sovereign powers of the Kingdom of Nepal and prerogatives vesting in US in accordance with the traditions and custom of our country and which devolved on us from Our August and Respected forefathers, do hereby enact and promulgate this fundamental law entitled “The Constitution of the Kingdom of Nepal”.

PART 1
PRELIMINARY

1. The Constitution as the fundamental Law: (1) This Constitution is the fundamental law for Nepal and all laws inconsistent with it, shall, to the extent of the inconsistency, and subject to the provisions of this Constitution, be void.

(2) Nothing in this Constitution shall affect the descendants, usage, tradition and law relating to the succession to the throne of His Majesty the King.

(3) In this constitution, 'His Majesty' means the king for the time being reigning, being a Shahi descendant of His Late Majesty King Prithvi Narayan Shah and adherent of Aryan culture and Hindu religion.

PART II
APPOINTED DAY

2. Appointed day: Article 73 and Article 75 of this Constitution shall come into operation at once; and the other provisions of this Constitution shall come into operation on a day to be fixed by His Majesty by Proclamation, and such day is hereinafter referred to as “the appointed day”.

PART III
FUNDAMENTAL RIGHT

3. Personal Liberty: (1) No person shall be deprived of his life or personal liberty save in accordance with the law.

(2) Trafficking of human beings, slavery and forced labour are forbidden, but provision may be made by law compulsory service for public purposes.

(3) No person shall be punished for an act, which was not punishable by law when the act was done, nor shall any person be subjected to a punishment greater than that prescribed by law for an offence when the offence was committed.

(4) No person shall be prosecuted and punished more than once for the same offence in court.

(5) No person accused of any offence shall be compelled to be a witness against himself.

(6) No person who is arrested shall be detained in custody without being informed, as soon as is practicable, of the grounds of such arrest, nor shall be denied the right to consult and be defended by a legal practitioner of his choice.

Explanation: For the purposes of this clause, a legal practitioner includes any person, who, under the law for the time being in force, is authorized to represent any other person in court.

(7) Every person who is arrested and detained in custody shall be produced before the nearest judicial authority, within a period of twenty-four hours from such arrest, excluding the time necessary for the journey from the place of arrest to the court of the judicial authority, and no such person shall be detained in custody beyond the said period except on the order of a judicial authority.

(8) Nothing written in sub-article (6) or sub-article (7) shall apply to a person who-

(a) is an enemy alien ; or

(b) is arrested or detained under any law providing for preventive detention.

(9) No law providing for preventive detention shall authorize the detention of a person for a longer period than three months unless-

(a) an Advisory Board consisting of persons who are or have been or are qualified to be appointed as judges of the Supreme Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention; or

(b) such person is detained in accordance with provisions of any law made in accordance with sub-article (12).

Provided that nothing in clause (a) shall authorize the intention of any person beyond the maximum period prescribed by law providing for preventive detention.

(10) When a person is detained in pursuance of an order made under any law for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford the earliest opportunity of making representation against the order.

(11) Nothing in sub-article (10) shall require the authority making any such order as is referred to in that clause to disclose facts, which such authority considers to be against the public interest and security of the country to disclose.

(12) The following matters may be prescribed by law:

(a) the circumstances under which, and class or classes of cases in which, a person may be detained for a period longer than 3 months without obtaining the opinion of an Advisory Board: and

(b) the maximum period for which any person may in any class or classes of cases be detained; and

(c) the functions and the procedure to be followed by an Advisory Board constituted under clause (a) of sub-article (9)

4. Equality: (1) All citizens shall be entitled for the equal protection of the laws.

(2) In the application of general laws there shall be no discrimination against any citizen on grounds of religion, sex, race, caste or tribe.

(3) In respect of appointments to the government services there shall be no discrimination against any citizen on grounds only of religion, race, caste or tribe, and there shall be no discrimination also on the grounds of sex in respect of appointments to the government service that are open to both male and female.

(4) No person shall disseminate hatred, contempt or create enmity between people belonging to different areas, or between different classes of people, castes and tribes of the Kingdom of Nepal.

5. Religion: Every citizen, having regard to the current traditions, may practice and profess his own religion as handed down from the ancient times.

Provided that no person shall be entitled to change of his religion.

6. Property: (1) No person shall be deprived of his property in accordance with the law.

(2) Every citizen is entitled to right to earn, possess, hold and sell of property.

7. Political Freedom: Every citizen is entitled of following freedoms:

(a) freedom of speech and expression;
(b) freedom of assembly without arms;
(c) freedom to form associations, unions;
(d) freedom of movement or reside in any part of Nepal.

8. Public Good: (1) Anything of this part shall not affect the validity of following law-

(a) any law made before the Appointed Day which, with or without modification or adoption, is certified by His Majesty to be necessary for any purpose specified in sub-article (2) ; or

(b) any law made after the Appointed Day which is expressed to have been made for the public good.

(2) The law shall be deemed to be made for the public good within the meaning of clause (b) of sub-article (1,) if it is expressed in the preamble thereto to be made for the maintenance of law and order within Nepal, maintenance of security in Nepal, good relations between Nepal and other countries, good relations among different classes or sections of the people, or between the people of different areas, or generally good manners, health, comfort or convenience or decency or morality and economic welfare of the citizens of Nepal, or to prevent internal disturbance or

any attempt to subvert this Constitution or any law in force for the time being or any other like attempt or for the prevention of contempt of court or House of Parliament.
(3) Anything contained in this part shall not apply to a person serving in any of the armed forces of His Majesty, and it shall be made limit or change of any section of this part so far as it applies to any person serving in any police force.

9. Right to Constitutional Remedies: (1) The right shall be guaranteed to file a petition before Supreme Court for appropriate proceedings for the enforcement of the rights conferred by this part.

(2) Where any petition is filed under sub-article (1) the Supreme Court shall have power to issue directions or orders or writs includes Habeas Corpus, Mandamus, Prohibition, Quo Warranto and Certiorari, whichever may be appropriate for the enforcement of the rights.

(3) Without prejudice to the power conferred on the Supreme Court by sub-article (1) and (2), law may empower any other court subordinate to the Supreme Court to exercise within the local limits of its jurisdiction all or any of the powers to issue such directions or orders or Writs as is prescribed in sub-article (2).

PART IV
THE EXECUTIVE GOVERNMENT

10. Executive power: (1) The executive power of the Kingdom of Nepal is vested in His Majesty, extends to the execution and maintenance of this Constitution, and the laws of Nepal, and shall be exercised by Him either directly or through Ministers or other officers subordinate to him, in accordance with the provisions of this Constitution and of any other law for the time being in force.

(2) Anything except provided in this constitution His Majesty is empowered to act in his discretion or on the recommendation of any specified person, he shall act on the recommendation of the Cabinet forwarded by the Prime Minister or on the recommendation of the Minister authorized by the Prime Minister to deal with the matter in question.

(3) No recommendation in any matter shall be made before His Majesty without informal consultation to him except in the ground of urgency, and His Majesty may refer to the cabinet any recommendation or consideration which come whether or not been already considered by the Cabinet.

(4) Any question whether any recommendation has been made to His Majesty and, if so, what recommendation, and the question whether His Majesty has consulted any person or authority in accordance with the terms of this Constitution, shall not be inquired into in any court.

(5) If any question arises whether any matter is or is not a matter in respect of which His Majesty may act in His discretion, the decision of His Majesty in His discretion shall be final, and the validity of any things done by His Majesty shall not be called in question on the ground that he ought or ought not to have acted in His discretion.

(6) All action to be done by His majesty in His discretion in accordance with the provisions of this Constitution shall be expressed to be taken in the name of His Majesty and other executive action taken in the exercise of the executive powers vested in His Majesty shall be taken in the name of his Majesty's Government.

(7) Orders, decisions and other instruments made and executed in the name of His Majesty or His Majesty's Government shall be authenticated in a such manner as specified in rules to be made by His Majesty in His discretion or as the case may be by His Majesty's Government and the validity of an order, decision or instrument which is so authenticated, shall not be called in question on the ground that it is not an order, decision or instrument made or executed by His Majesty in His discretion, or as the case may be, by His majesty's Government.

11. The State Council (1) There shall be a State Council [*Rashtriya Parishad*] consisting, subject to the provisions of this Article, of His Majesty and with the following persons:

(a) The Chairperson and Vice-Chairperson of the of the Senate [*Mahasabha*] and the Speaker and Deputy-Speaker of the House of Representatives, ex-officio members;
(b) The Ministers of his Majesty for the time being, ex-officio members;
(c) Former Ministers, members;
(d) other persons appointed by His Majesty on his discretion

(2) A person who is a member of the State Council in accordance with paragraph (c) of sub-article (1) shall cease to be a member if His Majesty, acting in His discretion may be satisfied, after consulting the State Council, that such person can no longer be of service to the State Council.

(3) A person appointed in accordance with clause (d) of sub-article (1) shall hold office during the pleasure of His Majesty.

(4) A meeting of the State Council shall be summoned by His Majesty's command and shall be presided over by His Majesty, if present, or if His Majesty is not present, by such person as His Majesty may in His discretion designate either generally or specially as Vice-Chairperson or, failing any such designations by such person as the State Council my by resolution at that meeting decide.

(5) Notwithstanding anything in sub-article (4) a meeting of the State Council shall be summoned by the Secretary of the said Council and shall be presided over by such person as the State Council may by resolution at that meeting decide, if-

(a) His Majesty has died or abdicated in which case the Council of State shall-
(i) order proclamation of the accession of His Majesty's successor in accordance with the law, custom and usage of Nepal; and
(ii) His Majesty is under the age of eighteen years, make such arrangements for a Regency or a Regency Council as the State Council may, subject to any Act decide; or

(b) Two members of the State Council, one of whom shall be the Prime Minister, if there be any, have signed as requisition declaring that, in their opinion, His Majesty is unable, by reason of mental or bodily infirmity, to command the summoning of a meeting, in which case the State Council shall-
(i) decide whether His Majesty is unable, by reason of mental or bodily infirmity, to command the summoning of a meeting; and
(ii) if the Council of State so decides, make such arrangements for a Regency or a Regency Council as the Council or State may, subject to any Act decide;
Provided that-

(i) any Regency or Regency Council established under clause (a) of this article shall terminate when His Majesty attains the age of eighteen years; and
(ii) any Regency or Regency Council established under clause (b) of this article shall be a subject to the provisions of any Act, terminate when His Majesty dies or abdicates or gives notice to the State Council acting His discretion that He is able to reassume the Royal functions.

(6) The Regent or the Regency Council formed according to sub-article (5) shall have no authority to decide or to approve of anything which shall be prejudicial to the interest of His Majesty or His successor.

(7) The State Council at any meeting thereof may act notwithstanding the absence of any of its members, provided that-

(a) notice of the meeting has been sent to all persons who were members of the council of State on the date of the notice; and
(b) at least one fourth of all the members of the State Council to whom notice has been sent in accordance with clause (a) are present, whether or not they have voted.

(8) Clause (b) of sub-article (7) shall not apply where, in accordance with this Constitution or otherwise, His Majesty merely desires to consult the State Council in respect of the exercise of any of His functions under this Constitution.

(9) A decision of the State Council shall be taken by a majority of the members thereof present and voting.

(10) Nothing in paragraph (i) of clause (a) of sub-article (5) shall prevent His Majesty's successor from exercising any power of the King pending the Proclamation contemplated by that paragraph and all such actions shall, if otherwise not unlawful, be ratified by such proclamation.

(11) Notwithstanding anything contained in this Article, His Majesty may by warrant under Royal Seal, in His discretion authorize any person or any two or move persons to exercise, during His Majesty's absence from Nepal or for any specified period any of the functions of His Majesty, but subject to such conditions as the warrant may prescribe, and in this constitution "His Majesty" includes such person or persons acting within the limits and subject to the conditions prescribed by such warrant.

(12) The Secretary of the State Council shall be appointed by His Majesty in His discretion, after consultation with the Prime Minister, if there be any.

12. The Cabinet: (1) There shall be a Cabinet consisting with the Prime Minister, who shall be the head of the Cabinet. His Majesty shall appoint of his other ministers on the recommendation of the Prime Minister with not exceeding the number of fourteen as he decides.

(2) The Cabinet shall, subject to the provisions of this constitution, be charged with the general directions and control of the Governance of the Kingdom of Nepal and shall be collectively responsible to the House of Representatives.

13. The Ministers of the His Majesty: (1) His Majesty shall appoint the Prime Minister on his discretion. Provided that such person on the opinion of His Majesty, will be able to attain a majority in the House of Representatives, either immediately or at the meeting of Parliament after the next general election.

(2) His Majesty shall appoint his other ministers on the recommendation of the Prime Minister, and not less than two of such Ministers shall be taken from the Senate.

(3) The Prime Minister shall be appointed from among the members of the House of Representatives.

Provided that if His Majesty in His discretion is satisfied that no such person will be able to command a majority in that House in accordance with clause (i), he may appoint as Prime Minister a person who is not a member of that house, but no person shall hold office as Prime Minister for more than four months unless he is a Senator or a member of the House of Representatives.

(4) Prime Minister shall divide their works for His Majesty's Minister with consultation to him and such Minister shall be responsible to His Majesty and the Cabinet for the administration of such Department.

Provided that the Prime Minister may designate one or two of the Minister to be Ministers without Portfolio.

(5) The Prime Minister shall cease to hold his office if-

(a) his resignation is accepted by His Majesty; or

(b) he is not a member for a period of four consecutive months of House of Representatives or if the appointment was made in accordance with the proviso of sub-article (3), not be in a member of either house of the parliament or

(c) a resolution has been passed by a majority of all the members of the House of Representatives that it has no confidence in His Majesty's Government, or

(d) His Majesty on his discretion, is satisfied, after consulting the State Council, that His Majesty's Government has lost the confidence of the House of Representatives or that it has persisted in contrary to the provisions of this Constitution.

Provided that anything of this sub-article shall not prevent to His Majesty's discretion for re-appointing as Prime Minister, who ceased to hold office.

(6) Other than the Prime Minister His Majesty's minister shall cease to hold his office if-

(a) His Majesty accepts his resignation that has comes through the Prime Minister, or

(b) He is not a member for a period of four consecutive months of the Senate or of the House of Representatives ; or

(c) the Prime Minister on whose recommendation he was appointed, has ceased to hold his office; or

(d) His Majesty on the recommendation of the Prime Minister dispenses with his service.

Provided that any such Minister shall not be ineligible for re-appointment.

<u>14. Assistant Ministers:</u> (1) His Majesty shall appoint assistant minister to help for the works of any of his minister on the recommendation of the Prime Minister.

Provided that the number of Assistant Ministers shall not exceed for more than ten and at least two of such Assistant Ministers shall be taken from the Senators.

(2) Sub-article (6) of Article 13 shall apply to an Assistant Ministers as it applies to the His Majesty's Minister.

(3) Whenever any minister or assistant minister of His Majesty is unable to perform any of duties of his office, the Prime minister may temporarily assign any of those duties to another Minister of the Assistant Minister of His Majesty, however, if he assigns any of the duties of a Minister of his Majesty to an Assistant Minister such Assistant Minister shall not be a member of the Cabinet.

15. Remuneration : The remuneration of Ministers including the Prime Minister and other Ministers or Assistant Minister of His Majesty shall be fixed by the Act and until then His Majesty shall fix.

16. Conduction of the Government Business:

(1) It shall be the duty of the Prime Minister as following:

(a) to submit working report to the His Majesty of working agenda, such drafts, and decision of the Cabinet and proposal for legislation or the details of any important executive action which approved without reference to the Cabinet.

(b) to furnish such other information relating to the conduction of the government business as His Majesty may require on His discretion.

(2) The procedure for the transaction of the Government business, allocation of the said business and the relations which should subsist among His Majesty, the Cabinet, the Ministers, Assistant Ministers and other servants of His Majesty shall be in accordance with the regulations approved by His Majesty on this discretion and such regulations, in so far as consistent with this Constitution shall be binding on all servants of His Majesty, including Prime Minister, Ministers and Assistant Ministers,

Provided that the question of whether the regulations have or have not been observed shall not be inquired into any court.

17. Temporary suspension of Cabinet Government: (1) Notwithstanding anything in the foregoing provisions of this Part, if His Majesty in His discretion is satisfied, after consulting the State Council, that it is impossible to find a person who as Prime Minister would be able to command a Majority in the House of Representatives, it shall be lawful for His Majesty, in His discretion shall suspend the provisions of Articles 12 to 16 by a Proclamation and so long as such Proclamation is in exist:

(a) the functions of the Cabinet shall be exercised by His Majesty on his discretion with consultation to State Council;

(b) His Majesty may appoint persons, whether or not they are members of the Senate or the House of Representatives, to exercise the functions of Ministers of His Majesty in charge of Departments, and such person:-

(i) Shall be a member of the State Council ;

(ii) shall be responsible to His Majesty for the administration of the departments assigned to him;

(iii) shall hold office during the pleasure of His Majesty in His discretion:

(iv) shall be entitled to be present at and act as a member of either House of parliament or any Committee thereof, but shall not be entitled to vote therein unless he is a member of such house or committee thereof: and

(v) shall be paid remuneration as His Majesty decides on his discretion.

(2) Proclamation issued under sub-article (1) may be revoked by another proclamation made by His Majesty on his discretion, and shall be revoked if and when His Majesty is satisfied that it is possible to find a Prime Minister who can hold a majority in the House of Representatives.

However, if not sooner revoked, a Proclamation issued under sub-article(1) shall cease to have effect at the first meeting of Parliament after the next general election, or on the expiration of a period of twelve months from the Proclamation, whichever shall first occur.

PART V
PARLIAMENT

CHAPTER-I
CONSTITUTION OF PARLIAMENT

18. Constitution of Parliament: There shall be a Parliament which shall consist of His Majesty and two Houses, to be known respectively as the Senate [*Maha Sabha*] and the House of Representatives [*Pratinidhi Sabha*].

19. Composition of the Senate: (1) The Senate shall consist of thirty-six Senators [*Maha Sabhasad*] of whom eighteen (hereinafter referred to as "elected Senators") shall be elected by the House of Representatives and eighteen (hereinafter referred as "nominated Senators") nominated by His Majesty according to the Article 21.

(2) Subject to Article 20 and 21, the turn of the office of the Senator shall be six years and his seat shall not be vacated by the dissolution of the House of Representatives.

(3) Notwithstanding anything contained in sub-article (2):—

(a) A Senator who is elected or nominated to fill a casual vacancy shall serve only for the remainder of his predecessor's term of office; and

(b) Except in the first election of Senators, the term of his office shall count from the date of termination of his predecessor's term of office.

(4) A separate election shall be held for the filling of each casual vacancy of the elected senators.

(5) A retiring senator shall, if otherwise not disqualified, be eligible for election or appointment from time to time.

(6) In this Article, the expression "casual vacancy" means a vacancy occurring by reason of the death, resignation or disqualification of a senator.

20. Election of Senators: (1) After the first election of a Speaker and a Deputy Speaker under Article 29, the House of Representatives shall, before proceeding to any other business, elect eighteen senators; and thereafter, as soon as may be after the occurrence of a vacancy among the elected senators, the House of Representatives shall elect a person to fill such vacancy.

(2) If the candidates are more than of the required post then election shall be held on the basis of proportional representation theory through the single transferable vote

(3) Subject to the provisions of this constitution, election of the senator shall be regulated by the election law until such provision it shall be regulated by rules made by His Majesty.

(4) After the first election of the Chair Person and Vice-Chairperson under Article 28, Chair Person shall determine the tenure of elected senators who six shall remain for 7 years, who 6 shall

remain for 5 years and who 6 shall remain for 3 years through the lottery-system; and their first term of office shall be as so determined.

21. Nomination of Senators: (1) As soon as shall be after the first election of senators under Article 20. His Majesty Shall on His discretion nominate eighteen senators and thereafter, as soon as shall be after the occurrence of a vacancy among the nominated senators, His Majesty shall nominate a person to fill such vacancy on his discretion.

(2) The President of the Senate shall determine through the lottry-system, from out of the first nominated senators, which six shall retire at the end of six years, which six at the end of the four years, and which six at the end of two years; and their first term of office shall be as so determined.

22. The House of Representatives: (1) The House of Representatives shall consist of the members elected by the voters of the several constituencies constituted in accordance with this Article.

(2) Each constituency shall elect one member by secret ballot; and, until the law otherwise provides, there shall be 109 constituencies.

(3) The electoral constituencies shall be determined by a Electoral Constituency Determination Commission as appointed by His Majesty on His discretion, in such a way that each shall contain as nearly as may be practicable an equal number of electors. However being taken of boundaries of administrative districts, the density or sparsely of population, transport facilities, natural structure and the community or diversity of the inhabitants.

(4) Subject to the provisions of any law relating to the periods of residence qualifying dates, or other matters incidental to the preparation of electoral rolls, and disqualification on grounds of insanity, or crime or corrupt or illegal practice, every citizen of Nepal, who has attained the age of twenty-one years shall be entitled to one vote in each constituency

(5) The Superintendence, direction and control of the preparation of electoral rolls for, and the conduct of; elections to the House of Representatives shall be vested in an Election commission as appointed by His Majesty on His discretion.

(6) The remuneration for the member of Constituency Determination and Election Commissions shall be determined by His Majesty after consultation with the Prime Minister; and such remuneration and the expenses of administration of the Constituency Determination and Election commissions shall be burden to the Consolidated Fund.

(7) Disputes arising out of or in connection with elections to the House of Representatives shall be referred to and decided by Election Tribunals appointed by the Chief Justice of Nepal; and the decision of the Election Tribunal shall be final; but subject to an appeal to the Supreme Court on a point of law.

(8) Subject to the provisions of this Article, Law thereto, shall govern elections to the House of Representatives, and all matters incidental.

23. Qualifications for Member of both Houses: (1) A senator shall not be qualified for election to the House of Representatives or for sitting or voting as a member of that House.

(2) A person shall not be qualified for appointment or election to or sitting or voting in either House of Parliament if he:-

(a) is not a citizen of Nepal; or

(b) is, in case of the Senate, less than thirty years of age and in the case of the House of Representatives less than twenty-five years of age; or

(c) is a servant of His Majesty other than a Minister of His Majesty, an Assistant Minister, Speaker, Deputy Speaker, Chairperson, Vice- Chairperson of the Senate, or a person appointed by His Majesty for the purpose of sub-article (1) of Article 17; or

(d) is a member of the Public Service Commission or the Election Commission; or

(e) is disqualified by any provision of any Act.

24. Vacation of Seats: (1) The seat of a Senator or of a Member of the House of Representatives shall become vacant:-

(a) upon his death; or

(b) if; by a notice in writing to the Secretary to the House concerned, he resigns his seat; or

(c) if he ceases to be qualified under Article 23; or

(d) if; without getting consent of concerned house, he absents himself to the meeting of that House for continuous period of three months; or

(e) in the case of a senator upon the termination of his terms of office, and in the case of a member of the House Representatives upon a dissolution of that House or upon his appointment or election to the Senate.

(2) In case a seat in the House of Representatives falls vacant otherwise than by reason of dissolution of that House, Secretary of the house shall sent the notice of the vacancy to the Election Commission, and the Election Commission shall proceed with all due dispatch hold a by-election to fill the vacant seat.

25. Penalty for Wrongful sitting or Voting: If a person sits or votes as a member of either House of Parliament before he has complied with the requirements of Article 31, or when he knows that he is not qualified for membership thereof; he shall be liable in respect of every day in which he so sits or votes to a penalty of five hundred rupees to be recovered as debt due to the Government.

CHAPTER II
MEETING OF PARLIAMENT

26. Summoning and Duration of Parliament: (1) A Parliament shall be summoned by His Majesty as soon as may be practicable after the promulgation of this Constitution and before the Appointed Day; and there after more than four months shall not lapse between the dissolution of one House of representatives and the meeting of the next House of Representatives.

(2) After the Appointed Day Parliament may be summoned and dissolved by His Majesty. Provided that:-

(a) His Majesty may in His discretion reject a recommendation from the Cabinet to dissolve House of Representatives if in His opinion such recommendation is an abuse of the power of dissolution; and

(b) His Majesty may in His discretion summon Parliament, notwithstanding that there is no recommendation from the Cabinet; if owing to the failure of the Cabinet to submit a recommendation there will in His opinion be a breach of the provisions of this Constitution.

(3) Unless sooner dissolved the House of Representatives shall continue for five years from the date appointed for its first meeting and the expiration of the said period of five years shall automatically operate as dissolution of that House.

27. Sessions and Meetings of Parliament: (1) His majesty may in time to time terminate a session of Parliament by prorogation, but six months shall not lapse between the termination of one session and the beginning of the next.

(2) Subject to the provisions of Standing Orders, either House may by resolution adjourn from time to time within a session and in this Constitution the interval between the meeting of either House on a particular day and its next adjournment is referred to as a “meeting”.

(3) Notwithstanding anything contained in this Article, if while Parliament stands prorogued or either House stands adjourned His Majesty is of opinion that and earlier meeting of Parliament or of either House is desirable, He may by Proclamation fix a date for such meeting and Parliament or the House, as the case may be, shall meet accordingly.

CHAPTER III
PRESIDING OFFICIALS

28. President and Deputy President of the Senate: (1) The Senate shall, as soon as may be, elect two Senators to be respectively -the Chairperson and the Vice-Chairperson of the Senate, and thereafter whenever the office of Chairperson or Vice-Chairperson falls vacant the Senate shall, as soon as may be after the occurrence of the vacancy, elect a senator to fill the vacancy.

(2) The Chairperson or the Vice-Chairperson of the Senate: -
- (a) Shall vacate his office if he ceases to be a senator, or
- (b) May at anytime by notice to the Senate resign his office.

(3) The Chairperson or in his absence the Vice-Chairperson or in their absence, subject to any provisions made in that behalf by Standing orders, a Senator elected by the Senate for that meeting shall preside at a meeting of the Senate.

29. Speaker and Deputy-Speaker of the House of Representatives: (1) The House of Representatives shall, as soon as may be after the general election, elect two persons to be respectively the Speaker and the Deputy-Speaker of the House of Representatives, and thereafter whenever the office of Speaker or Deputy Speaker falls vacant the House of Representatives shall as soon as may be after the occurrence of the vacancy, elect a person to fill the vacancy.

(2) If the person elected as Speaker is member of the House of Representatives his seat as such member shall become vacant, but he shall not thereby cease to be Speaker.

(3) The Speaker in the office immediately before the dissolution of the House of Representations shall not vacate his office, otherwise than by death or resignation. until immediately before the first meeting of the new Parliament and if the Speaker dies or resigns his office during the dissolution, his functions as the speaker shall be exercised by the person who was the Deputy Speaker immediately before the dissolution or, if that person has died or resigned by a person as appointed by His Majesty.

(4) The Deputy Speaker shall be elected from among the members of the House of Representatives and shall vacate his office if he ceases to be a member of the House.

(5) The Speaker or the Deputy-Speaker may resign his office by notice to the House of Representatives or, if the resignation occurs during dissolution, by notice to His Majesty.

(6) The Speaker, or in his absence the Deputy-Speaker, or in their absence subject to any provision made in that behalf by Standing Orders, a member elected by the House of Representatives for that meeting, shall preside at the meeting of the House of Representatives.

30. Remuneration: There shall be paid to the Chairperson and the Vice-Chairperson and members of the Senate and to the Speaker and the Deputy-Speaker and members of the House of Representatives such remuneration as may be respectively fixed by law or, until so fixed, by His Majesty.

CHAPTER-IV
CONDUCT OF BUSINESS

31. Oath: Every member or either House of Parliament and every person entitled to take part in its proceedings shall, before taking his seat, make and subscribe before the Chairperson of the Senate or the Speaker of the House of Representatives, as the case may be, an oath of allegiance, in the form prescribed by His Majesty.

Provided that, before the election of the President or the Speaker, the oath may be made and subscribed before the Secretary to the Senate or the House of Representatives, as the case may be.

32. Royal Addresses and Messages: (1) His Majesty may on his discretion address either house of Parliament or both houses sit together, and for that purpose may command the attendance of members.

(2) His Majesty may send messages to either house of parliament, and the house to which any message is so sent shall with all convenient dispatch consider any matter required by the message to be taken into consideration.

33. Ministers may Address Either House: A Minister of His Majesty, or a person acting as Deputy to such a Minister in accordance with sub-article (3) of Article-14 may address or otherwise take part in the proceedings of either House, or in any committee thereof however shall not vote therein, unless he is a member of that house.

34. Restriction on Debate: (1) No discussion shall take place in either house of Parliament with respect to the conduct of His Majesty and His successors and Provided that nothing in this clause shall limit criticism of His Majesty's government.

(2) No discussion shall be taken place in either House of Parliament with respect to the conduct of the Chief Justice or any Judge of Supreme Court in the discharge of his duties.

35. Voting: As otherwise contained in this Constitution, any question proposed for decision in either house of Parliament shall be determined by a majority of the votes of senators or members, as the case may be, present and voting; the person presiding shall not have an original vote, but in the event of an equality of votes shall have and exercise a casting vote.

36. Power of either House to Act in case of Vacancy: Either House of Parliament shall have the power to act in case of any vacancy in the membership thereof, and any proceedings therein shall

be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

37. Quorum: If at any time during a meeting of either house of Parliament the attention of the person presiding is drawn to the fact that there are, in the case of meeting of the Senate, fewer than ten senators present or in the case of a meeting of the house of Representatives, fewer than twenty-five members present, the person presiding shall, subject to any standing Orders of the senate or the House of Representatives, as the case may be, either suspend the meeting until there is a quorum or adjourn the meeting to the next sitting day, in either case without putting any question.

38. Privilege of Parliament: (1) The validity of any proceedings in either House of Parliament shall not be questioned in any court on the ground of any alleged irregularity of procedure.

(2) No official or senator or member of the House of Representatives in whom powers are vested for the regulation of Procedure or the conduct of business or for maintaining order in either House shall, in respect of the exercise by him of those powers, be liable to any proceedings in any court.

(3) No Senator or member of the House of Representatives shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Senate or the House of Representatives or any Committee thereof.

(4) No person shall be liable to any proceedings in any court for publication by or under the authority of either House of Parliament of any report, paper, vote or proceedings.

(5) Subject to this Article, the privileges of either House of Parliament, or the committees and the members thereof shall be as determined by law.

39. Rules: (1) Each House of Parliament shall have Standing Rules or Session Rules for the regulation, subject to the Provisions of this Constitution, its procedure, the conduct of its business, the procedure of and conduct of business, in its committees, the preservation of order at its meeting; and any other matter required for the proper exercise of its functions.

(2) Until such rules are made in accordance with sub-article (1) of the matters referred to in that sub-article shall, subject to this constitution, be regulated by Standing Rules framed by His Majesty.

(3) In this Article, "Standing Rules" mean orders, which remain in operation, subject to necessary amendment, from session to session and from Parliament to Parliament, and "Session Rules" mean orders, which remain in operation only during the session in which they are made.

CHAPTER V
LEGISLATIVE PROCEDURE

40. Introduction of Bills: (1) Any bill, other than the finance bill shall be introduced in either House of parliament, but the Finance Bill shall be introduced only before the House of Representatives.

(2) In this constitution the expression "Finance Bill" means a public bill, which contains provisions dealing only with all or any of the following matters:

(a) imposition, abolition, remission, alteration or regulation of tax;
(b) imposition of charges on the Consolidated Fund or on any other public fund or an moneys provided by Parliament, or the variation or repeal of such charges;
(c) The grant amount to His Majesty's Government or to any authority or person, or the variation or revocation of any such grant;
(d) the appropriation, receipt, custody, investment, or audit of accounts, of public money;
(e) the raising or guarantee of any loan or the repayment thereof, or the establishment, alteration, administration or abolition of any sinking fund, provided in connection with any such loan; or
(f) any matter incidental to any of the aforesaid matters.

(3) No bill or amendment that makes provision for any of the matters provided on sub-article (2) or which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund or other public fund or the public revenues shall be introduced in either House of the Parliament except upon the recommendation of His Majesty.

<u>41. Passing of Bills:</u> (1) A Bill that has been passed by one House of Parliament shall be forthwith transmitted to the other House and shall be submitted for the assent or His Majesty if another House has passed it.

(2) If a Finance bill has been passed by the House of Representatives and sent to the Senate at least one month before the end of the session, and if it is not passed by the Senate within one month, it may be submitted for the assent of His Majesty without being passed by the Senate.

(3) If a Bill, other than a Finance Bill or a bill to amend this constitution, is passed by the House of Representatives and sent to the Senate at least one month before the end of the Session; and
(a) it has not been passed by the Senate in that session; and
(b) it has again been passed by the House of Representatives in the next session and sent to the Senate at least one month before the end of the session; and
(c) It is not passed by the Senate within one month; it may be submitted for the assent of His Majesty without being passed by the Senate,

Provided that a period of not less than five months has elapsed between the date on which the House of Representatives passed it in the first of the sessions and the date on which it passed that House in the next session.

(4) For the purposes of this Article, a bill that has been passed by the Senate with an amendment that is subsequently rejected by the House of Representatives shall not be deemed to have been passed by the Senate.

(5) For the purpose of sub-article (3);
(a) the next session may be the same Parliament or in the next Parliament; and
(b) in case of the bill, passed by the House of Representatives in the second session:
(i) Amendments approved by the Senate in the first session; and
(ii) Consequential amendments and amendments due to lapse of time; it shall be deemed to be the Bill which was passed by the House of Representatives in the first session.

<u>42. Royal Assent:</u> (1) When a bill is submitted for the assent of His Majesty in accordance with article 41 His Majesty shall declare either that He assents to the Bill or that He withholds His assent therefrom.

(2) His Majesty may consult the Council of State as to whether He should assent to a bill and if after such consultation He is satisfied that He ought to withhold His assent He may on His discretion either

(a) inform both Houses of Parliament that He withholds His assent: or

(b) return the Bill to the House of Parliament in which it originated for further consideration, and in such case His Majesty may in His discretion submit observation on the bill to that House.

(3) Any bill that has received the assent by His Majesty in accordance with this Constitution shall become a law on the Red seal being affixed to it.

43. Speakers certificate: (1) (1) Until the bill certified by the speaker, as it is the Finance Bill, any no the bill shall be submitted before His Majesty for his assent of in accordance to the sub-article (2) of Article 41.

(2) Until the bill certified by the speaker, as it has completed the procedure of sub-article (3) of Article 41, any no the bill shall be submitted before His Majesty for his assent.

(3) Every certificate by the Speaker under this Article shall be conclusive for all purposes and shall not be questioned in any court.

CHAPTER VI
FINANCIAL PROCEDURE

44. General Provisions: (1) No tax shall be levied except by or under the authority of law.

(2) No expenditure shall be incurred out of the Consolidated Fund or any other Public fund or out of moneys provided by Parliament except in accordance with this constitution or by or under the authority of an Act.

(3) No loan shall be raised on the Security of the Consolidated fund or other public fund or of moneys provided by Parliament except by or under the authority of an Act.

(4) Nothing in this Article shall apply to the private revenues of His Majesty or to expenditure out of such revenues.

45. The Consolidated Fund: (1) All revenues received by His Majesty's Government other than His Majesty's private revenues, the produce of all taxation other than local taxation, all loans raised on the security of the public revenues, and all moneys received in repayment of any such loan made under authority of an Act, shall, unless Parliament otherwise provides, be credited to a public fund to be known as the Consolidated Fund.

(2) The following expenditure shall be charged on the Consolidated Fund, and shall not require the annual sanction of parliament, in so far as it relates to:—

A. His Majesty's Civil List including the expenses of other members of the Royal Family;
B. The remuneration payable to:—
    (i) The Chief Justice and other Judges of the Supreme Court,
    (ii) The members of the Election Constituency Delimitation and Election Commissions,
    (iii) The members of the Public Service Commission: and
    (iv) The Auditor-General.

C. The administrative expenses, including the remuneration payable to the employees of the Royal palace, the Supreme court, the Election Constituency Delimitation and Election Commissions, the public Service Commission, and the Department of Auditor- General;

D. All debt charges for which His Majesty's government is liable, including interest, sinking fund charges, the repayment or amortization of capital, and other expenditure in connection with the raising of loans and the service and redemption of debt on the security of the Consolidated Fund.

E. Any amount required to satisfy any judgment, decree or award against His Majesty's Government by any court or tribunal; and

F. Any other amount declared by this constitution or by an Act to be so charged.

46. Estimates of Revenue and Expenditure: (1) His Majesty shall, in respect of every financial year, cause to be laid before the House of Representatives a financial statement showing:

(a) the estimate of revenue from sources available in the previous financial year;
(b) the effect of proposed changes in the law relating to taxation;
(c) the amount required to meet charges on the Consolidated Fund;
(d) the amount required to meet expenditure as be voted by Parliament,
(e) the amount to be provided by way of loans.

(2) The amount required to meet expenditure to be voted by Parliament shall be specified headings and sub-heading, and such headings shall be included in an Appropriation bill, voting the said amounts to His Majesty; and appropriating them in accordance with the headings, The Appropriation Bill may, however, authorize transfers between heads under such conditions as may be specified in the Bill.

47. Voting for Supplementary and Excess: His Majesty shall cause to be laid before the House of Representatives a Supplementary Estimate specifying heading and sub-heading, such headings shall be included in a Supplementary Appropriation Bill. If in respect of any financial year it is found:

A. that the amount authorized to be spent for a particular service for the current financial year is insufficient, or that a need has arisen for expenditure upon a new service not authorized by the Appropriation Act for that year; or
B. that any amount which, has been spent for any service during a financial year in excess of the mount voted for that service in that year;

48. Grant in Advance (1) Notwithstanding anything contained in the foregoing provisions of this Chapter, Parliament shall have the power to grant amount in advance as in respect of the estimated expenditure for a part of the next ensuing financial year pending the enactment of the Appropriation Bill.

(2) A grant in Advance shall not be submitted to the House of Representatives until estimation of Revenues and Expenditure have been presented in accordance with the provisions of Article 46 and:-

a. the amount of the grant shall not exceed the estimated expenditure for the first four months of the next ensuing financial year;

b. the grant shall be included in the Advance Bill and several amount shall be appropriated to the several heads in the Appropriation Bill; and
c. no expenditure shall be incurred from the grant in advance until the Advance Bill has received the assent of His Majesty.

49. Grant in Credit: Notwithstanding anything contained in the foregoing provisions of this Chapter, when owing to a national or local emergency, whether due to natural calamity, or the threat of hostility or internal disturbance, or otherwise, His Majesty is satisfied that it is impracticable or undesirable in the interests of the security of the Kingdom to specify the details required under Article 46, His Majesty may cause to be laid before the House of Representatives the Credit Bill giving such particulars of the nature of the expenditure proposed as His Majesty may consider desirable in the circumstances.

50. Contingency fund: A fund shall be established as Contingency Fund by the laws, where amounts shall be paid time to time as determined by the Act. This fund shall be under the His Majesty's Government and unforeseen expenditure may be met out of this fund as approved by His Majesty. Supplementary Estimate shall be presented to Parliament as soon as possible for the purpose of replacing the amount.

CHAPTER VII
LEGISLATIVE POWERS

51. General Power of Legislation: Subject to the provisions o this Constitution, Parliament shall have power to make laws for the peace, order and good government of Nepal.

52. Ordinance: (I) If His Majesty is satisfied that circumstances exist which render it necessary for Him to take immediate action, he may promulgate such ordinances as the circumstances appear to Him to require at any time except when both Houses of Parliament are in sit.

2) The ordinance promulgated under this Article shall have the same effect as an Act, but every such ordinance-

(a) Shall be laid before both Houses of Parliament and if resolutions disapproving it are passed by both House it shall cease to conduct;
(b) May be repealed at any time by His Majesty:
(c) Shall cease to have effect after the lapse of forty-five days of the sitting of Parliament even if it is not withdrawn according to sub-clause (a) and (b)

Explanation: - Where the Houses of Parliament are summoned to reassemble in different dates, the period of forty-five days, shall be reckoned from the latter of those dates for the purposes of this clause.

53. Constitutional Amendments: (1) Parliament may amend or repeal any of the provision of this constitution by a Bill passed by both House of Parliament and assented to by His Majesty and to which the royal seal is affixed,

Provided that:

(a) The Bill to amend the Constitution shall be called as Constitution Amendment Bill and shall contain no provisions other than those relating to the amendment of the Constitution;

(b) The bill shall be deemed not to have passed the House of Representatives and the Senate unless it has been supported on its final reading in each House by not less than two-thirds of all the members thereof;

(c) The Bill when presented for the Royal Assent of His Majesty have endorsed, it shall be certified by the Speaker of the House of Representatives and the Chairperson of the Senate that, the provisions of this Sub-article have been complied with; and

(d) His Majesty shall act on His discretion, whether granting or withholding His assent.

(2) Certification of the Speaker and the President under sub-article (I) shall be conclusive for all purposes and shall not be questioned in any court.

54. Provisions of making null to the inconsistent Acts-Laws: Without prejudice to any other remedy, a person who alleges that any provision of an Act or any other law is void for inconsistency with this constitution, may move to Supreme Court as following:

(a) to be declared the said law as invalid to the extent of its inconsistency; and

(b) to be granted such incidental and supplementary relief as the Supreme Court may deems appropriate.

55. Emergency Powers: (1) If His Majesty on His discretion is satisfied that a grave of emergency exists where by the security or economic life of Nepal, or any part thereof, is threatened by war or external aggression, or by internal disturbance. He may, by proclamation in His discretion:

(a) Declare that His functions shall to such extend as may be specified in the proclamation, be exercise by Him on His discretion;

(b) Assume to Himself all or any of the powers vested in or exercisable by Parliament or any other governmental body or authority; and any such Proclamation may contains such incidental and consequential provisions as may appear to him to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provision of this Constitution.

Provided that nothing contained in this sub-article shall authorize His Majesty to assume to himself any of the powers vested in or exercisable by the Supreme Court or to suspend; either in whole or in part the provisions of part VI of this constitution.

(2) Any such Proclamation may be revoked or varied by a subsequent Proclamation.

(3) A Proclamation under this Article, other than a Proclamation revoking a previous Proclamation, shall cease to operate, at the expiration, or twelve months, but may be renewed by a further Proclamation, and so forth until His Majesty is satisfied that grave emergency no longer exists.

(4) any law made by His majesty under powers assumed by Him under this Article shall, unless sooner repealed or reenacted by Act cease to operate at the expiration of six months after a Proclamation under this Article has ceased to operate.

(5) While exercising His powers under this Article, His majesty shall so far as may be practicable act after consultation with the Council of State.

56. Emergency Powers in Case of Failure of Constitutional Machinery:

(1) If His Majesty in His discretion is satisfied, after consulting the council of State, that the System of Parliamentary government contemplated by this Constitution has broken down and that the powers conferred by Article 17 are in the circumstances inadequate, He may by Proclamation in His discretion suspend any provision of Part III, IV and V of this Constitution and make such temporary provision for the governance of the Kingdom of Nepal as in His discretion He may deem necessary:

Provided that:

(a) He shall not suspend either or both Houses of Parliament unless in His discretion He deems it necessary to do so;

(b) if He deems it necessary to suspend one House of Parliament, laws shall thereafter be made, subject to the provisions of this Article, by a Parliament consisting of His Majesty and the other House;

(c) nothing in this Article shall empower His Majesty permanently to amend this Constitution, except in the manner and form provided by Article 53.

(2) A Proclamation made under clause (1) may be revoked or varied by a subsequent Proclamation.

(3) A Proclamation made under this Article, other than a Proclamation revoking a previous proclamation, shall cease to operate at the expiration of a period of twelve months, but may be renewed by a further Proclamation and so fourth until His Majesty in His discretion is satisfied that the system of Parliamentary government contemplated by this Constitution can be fully restored.

Provided that a reclamation under this Article shall not be renewed unless His Majesty in His discretion is satisfied that:

(a) the breakdown is of such a nature that it is impracticable to hold a general election; or

(b) a general election has recently been held but the system of parliamentary government can not function in the manner contemplated by this Constitution.

(4) Any law not being a law amending this constitution made in accordance with a Proclamation issued under this Article shall, unless sooner released or re-enacted by Act, cease to operate at the expiration of six months after a Proclamation under this Article has ceased to operate; and a law amending this constitution shall cease to operate when a Proclamation made under this Article has ceased to operate.

PART VI
THE JUDICIARY

57. The Judges of the Supreme Court: (1) His Majesty, in his discretion, shall appoint the Chief Justice of Nepal after consulting to the Prime Minster and including some other judges of the Supreme Court as he thinks fit.

(2) His Majesty, in His discretion, shall appoint the other Judges of the Supreme Court after consulting to the Chief Justice of Nepal and including other judges of the Supreme Court as he thinks fit.

(3) Subject to the Provisions of sub-article (4) the Chief Justice or other judges of the Supreme Court shall hold the office until the completion of tenure.

(4) The Chief Justice or other Judges of the Supreme Court:

(a) may resign his office by notice to His Majesty;
(b) may be removed from the office by His Majesty in his discretion if any Commission appointed by His Majesty on reference to this and report that the judge is unable to perform his duties due to misbehavior or incapacity.

Provided that such Chief Justice or the Judge charged with misbehavior or incapacity shall not be denied the right of defending himself before the Commission.

(5) A Commission appointed under clause (b) of sub-article (4) shall have the power to summon witnesses, take evidences and punish for contempt of itself.

(6) Remuneration, tenure of office and other conditions of service of the Chief Justice or other judges shall be as determined by the Act, until such determination it shall be as determined by the order of His Majesty, such remuneration and tenure of office shall not be varied to his disadvantage during his period of office and the remuneration shall be charged to the Consolidated Fund.

(7) Sub-article (1) and (6) shall apply as same to the acting Chief Justice, and sub-article (2) and (6) to the acting or additional Judge of the Supreme Court.

58. Recall of Certain Cases to the Supreme Court: If the Supreme Court is satisfied that a case pending in subordinate court involves a substantial question of law as to the interpretation of this Constitution and the determination of which is necessary for the disposal of the case, it shall withdraw the case and may either:

(a) Dispose of the case itself; or
(b) Determine the said question of laws and return the case to the court from which the case has been withdrawn, together with a copy of the judgment of the Supreme Court; and the subordinate court shall on receipt thereof proceed to dispose of the case in conformity with such judgment.

PART VII
THE PUBLIC SERVICE COMMISSION

59. The Public Service Commission: (1) There shall be a Public Service Commission consisting of number of members as His Majesty prescribe and one of them shall be designated to be the Chairperson by His Majesty.

(2) At least one third of the members of the Public Service Commission shall be such person as have not at any time during the period of five years immediately preceding been in Government Service.

(3) His Majesty shall appoint the members of the Public Service Commission.

(4) No person shall be appointed as a member of the Public Service Commission if he is a Senator or a member of the House of Representatives.

(5) A member of the Public Service Commission shall hold office for a period of five years from the date of his appointment, provided that he-

(a) shall resign by submitting written application to His Majesty;

(c) shall be removed from his office on the same grounds and in the same procedures as a to the judges of the Supreme Court.

(6) Every person appointed as a member of the Public Service Commission, on ceasing to hold that office shall be ineligible for Government service.

Provided that he shall be eligible for reappointment in the Public Service Commission.

(7) Until the law as determined, remuneration and other terms and conditions of service of the members of the Public Service Commission shall be the same as those of the Judges of the Supreme Court. Such remuneration shall be charged on the Consolidated Fund and shall not be varied to his disadvantage during his period of office.

60. Functions of the Public Service Commission: (1) It shall be the duty of the Public Service Commission to conduct examinations for the appointments of all kinds of His majesty's government services or the post.

(2) Consultation should be taken of the Public Service Commission on following matters:

(a) all the matters relating to the procedures of recruitment of civil services and post;

(b) principle matters to be followed in appointment, transfers and promotion of civil service or post and on the suitability of candidates for such appointment, transfer, and promotion;

(c) all the disciplinary matters affecting a civil servant including memorials, petitions relating to such matters;

(d) any claim by or in respect of, a civil servant or a person who has been a civil servant that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purported to be done in the execution of his duties should be paid out from the Consolidated Fund;

(e) any claim of award or pension or gratuity in respect of injuries sustained by a civil servant in the performance of his duties and any question as to the amount of such award; and

(f) any other matter which His Majesty may refer to them for any service or post of His Majesty's Government.

(3) Notwithstanding anything contained in other sub-articles of this Article, if His Majesty make regulations specifying for the matters in which either generally or in any particular circumstance it shall not be necessary for the consultation with Public Service Commission then that shall be as prescribed by such rules.

(4) The Public Service Commission shall submit a report to His Majesty in every year and his Majesty shall ask to send a copy of such report to the parliament. His Majesty shall cause a copy thereof, together with a memorandum explaining as respects cases, if any, where the advice of the Commission was not accepted and the reason for such non- acceptance, to be laid before the Parliament.

(5) The Public Service Commission may by order delegate to any servant of the His Majesty subject to such conditions as may be specified in the order, any of the function vested in the Commission by sub-article (1). Any person dissatisfied with the decision taken by any servant of

the His Majesty under any of the powers so delegated may appeal wherefrom to the Commission, and the decision of the Commission on such appeal shall be final.

PART VIII
AUDIT OF ACCOUNTS

61. The Auditor-General: (1) An Auditor-General shall be appointed from His Majesty.

(2) Remuneration and terms of service and tenure of office of the Auditor-General shall be as regulated by the laws. In absence of such laws, it shall be regulated by the rules made by His Majesty.

(3) A person who has held office as Auditor-General shall not be eligible for appointment in government service.

(4) The remuneration of the Auditor-General shall not be varied for his disadvantage during his tenure; and it shall be burdened to the Consolidated Fund.

(5) The Auditor-General shall not be removed from his office before the expiration of His term of office except on the same ground and manner same as to a Judge of the Supreme Court.

62. Accounts and Audit: (1) The accounts of all departments of Government, including the cabinet, the Secretary to the Senate, the secretary to the House of Representatives, the office of the Supreme Court, and the office of the Public Service Commission, shall be kept in such a form as the Auditor-General with the approval of His Majesty, may prescribe, and shall be audited by the Auditor-General. He and his deputies shall have the right at all times to have access to all books, records, and returns relating to such accounts.

(2) The Auditor-General shall perform such other duties and exercise of other powers relating to the expenditure and accounts as prescribed by the law.

(3) The Auditor-General shall report annually to His Majesty of his works done under this Article, and His Majesty shall cause such reports to be laid before the Parliament.

PART IX
GENERAL PROVISIONS

CHAPTER 1
POWERS OF HIS MAJESTY

63. Legislative Power Relating to Succession to the Throne: Notwithstanding anything contained in Article 51, His Majesty shall continue to have exclusive power of enacting, amending and repealing the laws relating to the succession to the throne; and this power shall be exercised by him in His discretion.

64. Supreme Command of the Military (1) The Supreme Command of military forces is vested with His Majesty and the exercise thereof shall be as regulated by the Act.

(2) Until and unless the Act provides in that behalf, His Majesty shall do as following:

(a) Establishment and management of military forces;
(b) Grant the post of Commission to the military officers and cadres;
(c) Appointment of Commanders-in-Chief and fix the powers, duties and remunerations.

(3) No Bill or amendment relating to the Military forces shall be introduced in either House of Parliament without the recommendation of His Majesty.

65. Tenure of Office of Servants of His Majesty: Except otherwise provided in this Constitution or any existing law, servants of His Majesty shall hold office at the pleasure of His Majesty.

66. Pardon: His Majesty shall have the power to grant pardons, reprieves and respites, and to remit, suspend or commute any sentence given by any court, tribunal or authority established by the law.

67. Titles, Honor and decoration: (1) Titles, honor, and decoration shall be conferred only by His Majesty.

(2) No citizen of Nepal shall accept any title, honor or decoration from any foreign State except with the Approval of His Majesty.

68. Residuary Powers of His Majesty: All inherent powers relating to the matters not provided by this Constitution or any existing law, shall be vested in His Majesty.

69. No question before court: His Majesty shall not be amenable to any court for the exercise of the powers or the performance of the duties of his office, or for any other act done.

Provided that nothing in this Article shall be construed as restricting any right conferred by the law to bring appropriate proceeding against His Majesty's Government or any servant of His Majesty.

CHAPTER II
MISCELLANEOUS PROVISIONS

70. National Language: The National Language of Nepal shall be the Nepali language in *Devanagri* script.

71. Oath: Any person to be appointed for government service shall take the oath of allegiance to His Majesty in the manner and form as prescribed by His Majesty.

CHAPTER III

INTERPRETATION, REPEALS etc

72. Interpretation: (1) Unless the subject or context otherwise requires in this Constitution:

(a) "Article" refers to the Article of this constitution.
(b) "Citizen" refers to a person who is a citizen of Nepal in accordance with the provisions of the law.
(c) "Voter" refers to the person having right to cast a vote in the election of parliamentarian.

(d) "General Election" refers the general election of members of the House of Representatives and also includes the election of such members to be held after the dissolution of Parliament.
(e) "Nepal" refers to the Kingdom of Nepal.
(f) "Application" refers to a written document, which duly signed by the person giving such notice.
(g) "Parliament" refers to the Parliament constituted in accordance to the Article 18 and it also includes to the parliament as laid down in the Proviso (b) of sub-article (1) of Article 56 in the circumstances therein specified.
(h) "Remuneration" refers to salary, allowances, pension and any other remuneration in kind.
(i) "Senator" refers to a person who is for the time being a member of the Senate.

(2) Unless the context otherwise requires, any reference to His Majesty includes reference to the Regent or the Council of Regency if empowered in relation to the matter in question, and to any person exercising powers under sub-article (10) of Article 11.

(3) Unless the context otherwise requires, subject to the provisions of this constitution the Nepal Laws Interpretation Act, 2010 shall apply for the interpretation of this Constitution as if the constitution is also the Nepal Act.

73. Short Title and Publication: (1) This Constitution shall be called "The Constitution of the Kingdom of Nepal."

(2) This Constitution may be reprinted from time to time with such amendments as may be enacted in accordance with the Article 53 and any copy of this Constitution, which is published under the orders of His Majesty's Government, shall be deemed to be a correct copy of the Constitution as at the date of the publication.

74. Repeal: The Interim Government of Nepal Act is hereby repealed.

PART X
TRANSITIONAL PROVISIONS

75. Power to bring this Constitution into Operation: (1) Notwithstanding anything contained in this Constitution or any law, including the Interim Government of Nepal Act, His Majesty hereby reserves to himself full power to take such action before the Appointed Day as he may deem requisite to bring this Constitution into operation on the Appointed Day, and any action taken by him before that day, if consistent with the provisions of this Constitution shall be deemed to have been taken by the appropriate authority under this Constitution, without prejudice to the power of that authority to repeal, revoke, amend or change such action after the Appointed Day in accordance with the provisions of this Constitution.

(2) Without prejudice to the generality of sub-article (1), any appointment made by His Majesty in contemplation of the coming into operation of this Constitution, shall be deemed that have been made under this Constitution.

76. Continuance and Adaptation of Existing Laws: (I) All laws other than the Interim Government of Nepal Act in force in Nepal or any part thereof immediately before the Appointed Day or as modified or adapted according to sub-article (2) shall remain in operation until amended or repealed by Act.

Provided that, the laws inconsistent with this constitution, are certified under clause (a) of sub-article (1) of Article 8 shall, to the extent of inconstancy, cease to have effect after three years from the Appointed Day.

(2) For the purpose of bringing the provisions of any law enforce in Nepal, or any part thereof into accord with the provisions of this Constitution, His Majesty, within a period of three years after the Appointed Day, by order, may make such adaptations and modifications, in such law, as he may deem necessary or expedient, and any order so issued hall have effect from such date, whether before or after the issue of the order, but not earlier than the Appointed Day, as may be specified on the order.

77. Right to Remove Difficulties: (1) If any difficulty arises in bringing this Constitution into force His Majesty may make such order as he deems necessary to remove that difficulty; and such order may direct that the provisions of this Constitution shall, during such period as may be specified in the Order, have effect subject to such adaptations whether by way of modifications additions or omissions as He may deem to be necessary or expedient.

Provided that no order shall be made after the expiration of two years from the Appointed Day.

(2) Every order made under this Article shall be laid before both Houses of Parliament, and may be amended or repealed by Act. Until such repeal or amendment it shall be read as part of this Constitution.

In the date of Sambat 2015 Phalgun 1 day 5.